



Journal of the House

State of Indiana

119th General Assembly

Second Regular Session

Twenty-first Day

Thursday Morning

February 18, 2016

The invocation was offered by Reverend Randy Scott, Pentecostals of Southlake in Crown Point, a guest of Representative Julie Olthoff.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Randall Frye.

The Speaker ordered the roll of the House to be called:

Arnold	Kirchhofer
Austin	Klinker
Aylesworth	Koch
Bacon	Lawson
Baird	Lehe
Bartlett	Lehman <input type="checkbox"/>
Bauer	Leonard <input type="checkbox"/>
Behning	Lucas
Beumer	Lyness
Borders	Macer
Braun	Mahan
C. Brown	Mayfield
T. Brown	McNamara
Burton	D. Miller <input type="checkbox"/>
Carbaugh	Moed
Cherry <input type="checkbox"/>	Morris
Clere	Morrison
Cook	Moseley
Cox	Negele
Culver <input type="checkbox"/>	Niezgodski
Davisson	Nisly
DeLaney	Ober
Dermody	Olthoff
DeVon	Pelath
Dvorak <input type="checkbox"/>	Pierce
Eberhart	Porter
Ellington	Price
Errington	Pryor
Fine	Rhoads
Forestal	Richardson
Friend	Riecken
Frizzell	Saunders
Frye	Schaibley <input type="checkbox"/>
GiaQuinta	Shackleford
Goodin	Slager
Gutwein	Smaltz
Hale	M. Smith
Hamm	V. Smith
Harman	Soliday
D. Harris	Speedy
Heaton	Stemler
Huston	Steuerwald
Judy	Sullivan
Karickhoff	Summers
Kersey	Thompson

Torr
Truitt
VanNatter ☐
Washburne
Wesco

Wolkins
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 193: 92 present; 8 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

The House recessed for the remarks of Israeli Consul General Roey Gilad.

The House recessed for the remarks of Congressman Luke Messer of Indiana's Sixth District.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 40

The Speaker handed down Senate Concurrent Resolution 40, sponsored by Representative Behning:

A CONCURRENT RESOLUTION honoring the participants of iVote2Day@IndianaStatehouse2016.

Whereas, February 18, 2016 marks the Indiana Youth Services Association's annual Youth Day at the Statehouse, dedicated to educating the State of Indiana's youth about their state government and the legislative process, known in its 18th year as iVote2Day@IndianaStatehouse2016;

Whereas, The observance of Youth Day provides Hoosier high school students an opportunity to meet their state legislators, learn more about state government and the legislative process, attend committee meetings and workshops, listen to and observe the debate inside the House and Senate chambers, and consider and discuss issues of interest to them with their peers;

Whereas, The participants of iVote2Day, who represent all corners of the state, gain firsthand knowledge on the vital importance of voting and being engaged in state government, as well as in their local communities;

Whereas, Thousands of Indiana high school students have increased their level of awareness and engagement in issues and the processes of their state government due to their participation in the annual Youth Day at the Statehouse over the years; and

Whereas, It is fitting that the Indiana General Assembly recognize the students participating in iVote2Day, as well as the program itself, to encourage the continued education of the next generation of Hoosiers in this Bicentennial Year, as well as foster their future participation in state and local government: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors the

participants of iVote2Day@IndianaStatehouse2016.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Indiana Youth Services Association.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

House Concurrent Resolution 43

Representatives Porter and Burton introduced House Concurrent Resolution 43:

A CONCURRENT RESOLUTION memorializing Mark St. John.

Whereas, Mark St. John, who passed away at the age of 62, dedicated more than 37 years of his life to serving the social/human service needs population;

Whereas, He advocated for abused and neglected children, at-risk youth, the LGBT community, homeless persons, families in distress, migrant and seasonal farm workers, persons with HIV/AIDS, people with mental illnesses, senior citizens, people with disabilities, social services providers, low income households, environmental groups, and labor unions;

Whereas, Although he dealt primarily with liberal causes, Mark St. John was widely respected on both sides of the aisle largely due to his gentle demeanor and ability to find common ground;

Whereas, Mark St. John was a friendly face in the hallways of the Statehouse, possessing a quick wit that could be both cutting and self-deprecating;

Whereas, Mark St. John was born in Martinsville to William and Dorothy St. John on November 18, 1952;

Whereas, Mark earned undergraduate and graduate degrees in public affairs from Indiana University's School of Public and Environmental Affairs;

Whereas, Before establishing his own governmental affairs consulting firm entitled St. John & Associates, Mark worked for the state of Indiana in a variety of capacities, including at the Family and Social Services Administration, and for a variety of organizations, including Gay Men's Health Crisis, the Indiana Coalition on Housing and Homeless Issues, and AIDServe Indiana;

Whereas, Mark St. John also was a principal at Lambda Consulting Inc. and joined the adjunct faculty at Indiana University's School of Social Work;

Whereas, Active in his community, Mark was involved with a number of community and professional organizations including the Boy Scouts, Children's Coalition of Indiana, Concerned Clergy of Indianapolis, Equality Federation/Equality Federation Institute, Governmental Affairs Society of Indiana, Indiana Affordable Housing Conference, Indiana Association for Community Economic Development, Indiana Civil Rights Commission Fair Housing Task Force, Indiana Coalition for Human Services, Indiana Stonewall Democrats, King Park Area Development Corporation, Mary Rigg Neighborhood Center, Mozel Sanders Foundation Thanksgiving Dinner, Greater Indianapolis NAACP Branch, Optimist Club of Indianapolis, Pathway to Recovery, PathStone, Inc., State of Indiana Electronic Benefits Transfer Commission, and the State of Indiana HUD Consolidated Plan Coordinating Committee; and

Whereas, Mark St. John won and held the respect and confidence of all who knew him, he served his profession and his community faithfully and well, and he will be missed: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly mourns the passing of this great man and recognizes the many contributions to the needy of our state made by Mark St. John. We extend our heartfelt sympathy to his family.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Mark St. John.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Breaux.

House Concurrent Resolution 42

Representatives Burton, Frizzell and Price introduced House Concurrent Resolution 42:

A CONCURRENT RESOLUTION honoring the Center Grove High School girls softball team, boys soccer team, and football team.

Whereas, The Center Grove High School girls softball team, boys soccer team, and football team displayed outstanding perseverance, sportsmanship, and superior athletic ability while competing for state championships;

Whereas, The girls softball team defeated the Lake Central Indians to win a Class 4A Championship Title and finished its impressive season with 29 wins and two losses;

Whereas, The boys soccer team, in its first state soccer championship appearance, defeated the Lafayette Harrison Raiders to win the Class 2A Championship Title;

Whereas, The number one ranked 14-0 Center Grove High School football team toppled the Penn High School Kingsmen to earn the coveted Class 6A State Championship title, finishing the game with a score of 28-16;

Whereas, With this second state title victory, the Trojans finished off a perfect season; and

Whereas, The Center Grove High School Trojans embodied their community's values while exhibiting athletic excellence, integrity, and sportsmanship: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Center Grove High School girls softball team, boys soccer team, and football team on their state championship titles and urges them to continue striving for excellence both on and off the athletic fields.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of each team, each team's head coach and assistant coaches, each team's managers, principal Doug Bird, and superintendent Dr. Rich Arkanoff.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bray.

Senate Concurrent Resolution 25

The Speaker handed down Senate Concurrent Resolution 25, sponsored by Representatives Morris and GiaQuinta:

A CONCURRENT RESOLUTION congratulating the R. Nelson Snider High School Football team on its 5A State Championship title.

Whereas, The R. Nelson Snider High School Football team defeated New Palestine High School 64-61 at Lucas Oil Stadium in November, 2015 to bring home the 5A State Championship title;

Whereas, Prior to the Fort Wayne High School team's most recent win, the Snider Panthers traveled to the championship game seven times and brought home the team's first state title in 1992;

Whereas, The game's score set the record for the highest-scoring football final in Indiana history;

Whereas, The win capped off a 13-1 season for the Snider Panthers; and

Whereas, After leading his team to a 5A state title, Snider Head Coach Kurt Tippmann was named the Dave Land Coach of the Year by the Indiana Football Coaches Association in December, 2015: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the R. Nelson Snider High School Football team on its 5A State Championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the R. Nelson Snider High School Football team members and coaches.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 29

The Speaker handed down Senate Concurrent Resolution 29, sponsored by Representative Austin:

A CONCURRENT RESOLUTION honoring Officer Shad Grile on being selected as the 2015 Officer of the Year by the Indiana Association of Chiefs of Police.

Whereas, Officer Shad Grile is a member of the Anderson Police Department where he has been a police officer for 22 years;

Whereas, Officer Grile responded to a call on July 3, 2015, where he faced an armed and dangerous man;

Whereas, Officer Grile was placed in a situation where he was forced to return fire on the armed suspect in order to preserve life and end the threat;

Whereas, During the shooting Howard McCoy was one of the victims who was shot;

Whereas, Officer Grile went above and beyond the call of duty when he and his family became aware of the financial burden that one of the shooting victims was dealing with;

Whereas, Howard McCoy was left with medical bills and other bills which he was struggling to pay because of his inability to work while recovering from the shooting;

Whereas, Officer Grile and his family stepped up to help him in his time of need by helping to raise money towards his bills until he was able to return to work;

Whereas, it is because of these acts of kindness that Mr. McCoy was able to pay his bills, but he was also to find a friend in Officer Grile and Officer Grile in Mr. McCoy; and

Whereas, Officer Grile was also awarded several awards from the Anderson Police Department for his actions on that day, the Medal of Valor, the Life Saving Award, and the Combat Cross: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The Indiana Senate recognizes the work of Officer Shad Grile in serving the citizens of Anderson.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Officer Shad Grile.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 11, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 10, delete "The lieutenant governor." and insert **"The executive director of the Indiana housing and community development authority."**

Page 5, line 31, delete "two (2)" and insert **"three (3)"**.

Page 6, line 1, after "chairperson" delete ",".

Page 6, line 5, delete "cause" and insert **"cause."**

Page 6, delete lines 6 through 7.

(Reference is to SB 11 as reprinted January 26, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

FRIZZELL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 57, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 57 as printed January 27, 2016.)

Committee Vote: Yeas 10, Nays 0.

M SMITH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 141, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 141 as reprinted January 20, 2016.)

Committee Vote: Yeas 11, Nays 0.

WASHBURN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 163, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 163 as reprinted January 29, 2016.)

Committee Vote: Yeas 11, Nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 192, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate study committee the topic of visitation, communication, and interaction with a protected person as defined by IC 29-3-1-13.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report on the topic to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires December 31, 2016."

Page 3, delete lines 1 through 32.

Renumber all SECTIONS consecutively.

(Reference is to SB 192 as printed January 29, 2016.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FRIZZELL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 206, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 8. IC 12-8-1.5-4, AS ADDED BY P.L.160-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The secretary may hire personnel necessary to perform the duties of each office.

(b) Except as provided in subsection (c), the secretary is the appointing authority for the office of family and social services, including the divisions, offices, and institutions of the office of family and social services.

(c) The secretary may delegate the appointing authority for a division, office, institution, or other group of employees subject to IC 4-15-2.2.

(d) The delegation of the appointing authority under subsection (c) may affect the procedure and the division, office, institution, or other group of employees affected by actions under IC 4-15-2.2-40."

Page 6, between lines 18 and 19, begin a new paragraph and insert:

"(c) Except as provided in subsection (d), the secretary is the appointing authority for the office of family and social services, including the divisions, offices, and institutions of the office of family and social services.

(d) The secretary may delegate the appointing authority for a division, office, institution, or other group of employees subject to IC 4-15-2.2.

(e) The delegation of the appointing authority under subsection (d) may affect the procedure and the division, office, institution, or other group of employees affected by actions under IC 4-15-2.2-40."

Page 12, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 36. IC 12-15-1.3-15, AS ADDED BY P.L.229-2011, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) As used in this section, "division" refers to the division of disability and rehabilitative services established by IC 12-9-1-1.

(b) As used in this section, "waiver" refers to any waiver administered by the office and the division under section 1915(c) of the federal Social Security Act.

(c) Before October 1, 2011, the office shall apply to the United States Department of Health and Human Services for approval to amend a waiver to set an emergency placement priority for individuals in the following situations:

(1) Death of a primary caregiver where alternative placement in a supervised group living setting:

(A) is not available; or

(B) is determined by the division to be an inappropriate option.

(2) A situation in which:

(A) the primary caregiver is at least eighty (80) years of age; and

(B) alternate placement in a supervised group living setting is not available or is determined by the division to be an inappropriate option.

(3) There is evidence of abuse or neglect in the current institutional or home placement, and alternate placement in a supervised group living setting is not available or is determined by the division to be an inappropriate option.

(4) There are other health and safety risks, as determined by the division director, and alternate placement in a supervised group living setting is not available or is determined by the division to be an inappropriate option.

(d) The division shall report on a quarterly basis the following information to the division of disability and rehabilitative services advisory council established by IC 12-9-4-2 concerning each Medicaid waiver for which the office has been approved under this section to administer an emergency placement priority for individuals described in this section:

(1) The number of applications for emergency placement priority waivers.

(2) The number of individuals served on the waiver.

(3) The number of individuals on a wait list for the waiver.

(e) The office may adopt rules under IC 4-22-2 necessary to implement this section.

(f) This section expires July 1, 2016."

Page 13, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 38. IC 12-15-11-3, AS AMENDED BY P.L.197-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A provider agreement must do the following:

(1) Include information that the office determines necessary to facilitate carrying out of IC 12-15.

(2) Prohibit the provider from requiring payment from a recipient of Medicaid, except where a copayment is required by law.

(3) For providers categorized as high risk to the Medicaid program under 42 U.S.C. 1395cc(j)(2)(B) and 42 CFR 455.450, require the submission of necessary information, forms, or consents for the office to obtain a national criminal history background check or, as allowed by the office, a limited criminal history check, through a contractor under IC 12-15-30 or the state police department under IC 10-13-3-39 of any person who:

(A) holds at least a five percent (5%) ownership interest in a facility or entity; or

(B) is a member of the board of directors of a nonprofit facility or entity;

in which the provider applicant plans to provide Medicaid services under the provider agreement. The provider applicant is responsible for the cost of the national criminal history background check **or limited criminal history check.**"

Page 17, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 42. IC 12-15-33-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The committee shall be appointed as follows:

(1) One (1) member shall be appointed by the administrator of the office to represent each of the following organizations:

- (A) Indiana Council of Community Mental Health Centers.
- (B) Indiana State Medical Association.
- (C) Indiana State Chapter of the American Academy of Pediatrics.
- (D) Indiana Hospital Association.
- (E) Indiana Dental Association.
- (F) Indiana State Psychiatric Association.
- (G) Indiana State Osteopathic Association.
- (H) Indiana State Nurses Association.
- (I) Indiana State Licensed Practical Nurses Association.
- (J) Indiana State Podiatry Association.
- (K) Indiana Health Care Association.
- (L) Indiana Optometric Association.
- (M) Indiana Pharmaceutical Association.
- (N) Indiana Psychological Association.
- (O) Indiana State Chiropractic Association.
- (P) Indiana Ambulance Association.
- (Q) Indiana Association for Home Care.
- (R) Indiana Academy of Ophthalmology.
- (S) Indiana Speech and Hearing Association.
- (T) Indiana Academy of Physician Assistants.**

(2) Ten (10) members shall be appointed by the governor as follows:

- (A) One (1) member who represents agricultural interests.
- (B) One (1) member who represents business and industrial interests.
- (C) One (1) member who represents labor interests.
- (D) One (1) member who represents insurance interests.
- (E) One (1) member who represents a statewide taxpayer association.
- (F) Two (2) members who are parent advocates.
- (G) Three (3) members who represent Indiana citizens.

(3) One (1) member shall be appointed by the president pro tempore of the senate acting in the capacity as president pro tempore of the senate to represent the senate.

(4) One (1) member shall be appointed by the speaker of the house of representatives to represent the house of representatives."

Page 19, line 6, delete "PASSAGE]]:" and insert "PASSAGE]:".

Page 19, line 11, delete "PASSAGE]]:" and insert "PASSAGE]:".

Page 19, line 15, delete "PASSAGE]]:" and insert "PASSAGE]:".

Page 27, line 38, delete "PASSAGE]]:" and insert "PASSAGE]:".

Renumber all SECTIONS consecutively.

(Reference is to SB 206 as printed January 22, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

KIRCHHOFFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred Senate Bill 221, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 10, after "both" insert "of".

Page 4, line 11, delete ";" and insert "**or (e)(1);**".

Page 4, line 13, delete "of the refusal of" and insert "**or the order, as applicable.**".

Page 4, delete line 14.

(Reference is to SB 221 as printed January 29, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred Senate Bill 242, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 242 as reprinted January 29, 2016.)

Committee Vote: Yeas 10, Nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 257, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 257 as printed January 13, 2016.)

Committee Vote: Yeas 12, Nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 290, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 290 as printed January 29, 2016.)

Committee Vote: Yeas 9, Nays 2.

WASHBURN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 297, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, after "with" insert ":

(I)".

Page 1, line 15, delete "and" and insert "**or**".

Page 1, between lines 15 and 16, begin a new line triple block indented and insert:

"(ii) other clinical criteria that are determined by the office and are evidence based and peer reviewed; and".

Page 2, delete lines 13 through 42.

Page 3, delete lines 1 through 19.

Page 3, delete lines 38 through 42, begin a new line block indented and insert:

"(4) Beginning July 1, 2017, is:

(A) enrolled:

- (i) as a Medicaid provider under IC 12-15; and
- (ii) as a healthy Indiana plan provider under IC 12-15-44.2; or

(B) enrolled as an ordering, prescribing, or referring provider in accordance with Section 6401 of the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152) and maintains a memorandum of understanding with a community mental health center for the purpose of ordering, prescribing, or referring treatments covered by Medicaid and the healthy Indiana plan."

Page 4, delete lines 1 through 4.

Page 4, between lines 11 and 12, begin a new paragraph and insert:

"(c) Each opioid treatment program that is enrolled as an ordering, prescribing, or referring provider shall report to the office on an annual basis the services provided to Indiana Medicaid patients. The report must include the following:

- (1) The number of Medicaid patients seen by the ordering, prescribing, or referring provider.
- (2) The services received by the provider's Medicaid patients, including any drugs prescribed.
- (3) The number of Medicaid patients referred to other providers.
- (4) Any other provider types to which the Medicaid patients were referred."

Page 6, line 10, after "7.5." insert "(a) This section applies to an office based opioid treatment provider who:

- (1) has obtained a waiver from the federal Substance Abuse and Mental Health Services Administration (SAMHSA) and meets the qualifying standards required to treat opioid addicted patients in an office based setting; and
- (2) has a valid federal Drug Enforcement Administration registration number and identification number that specifically authorizes treatment in an office based setting.

(b)".

Page 6, between lines 37 and 38, begin a new paragraph and insert:

"(c) Before December 31, 2016, the office of the secretary shall recommend the clinical practice guidelines required under subsection (b) to:

- (1) the Indiana professional licensing agency established under IC 25-1-5;
- (2) the office of Medicaid policy and planning established under IC 12-8-6.5; and
- (3) a managed care organization that has contracted with the office of Medicaid policy and planning."

Page 7, line 21, delete "service" and insert "served".

Page 7, after line 42, begin a new line block indented and insert:

"(15) The number of patients denied access to services due to inability to pay, including the demographic information of the patient concerning race."

Page 8, after line 6, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

- (1) A statutory committee established under IC 2-5.
- (2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate study committee the topic of patient access to and provider reimbursement for federal Food and Drug Administration approved medication assisted treatment in the Medicaid program.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report on the topic to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires January 1, 2017.

SECTION 9. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 297 as reprinted January 26, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

KIRCHHOFFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Select Committee on Government Reduction, to which was referred Senate Bill 324, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, after "with the" insert "state".

Page 2, line 1, after "from the" insert "state".

Page 2, delete lines 4 through 5, begin a new line blocked left and insert:

"The term includes only project types regulated under 410 IAC 6-12."

Page 2, line 6, after "The" insert "state".

Page 2, line 10, after "The" insert "state".

Page 2, line 18, after "the" insert "state".

Page 2, line 21, after "to the" insert "state".

Page 2, line 25, after "permit, the" insert "state".

Page 2, line 34, delete "department, the" and insert "state department, the state".

Page 2, line 41, after "approved, the" insert "state".

Page 3, line 2, after "the" insert "state".

Page 3, line 6, after "(2) the" insert "state".

Page 3, line 9, after "the" insert "state".

Page 3, line 11, after "the" insert "state".

Page 3, line 12, after "thereafter, the" insert "state".

Page 3, line 14, after "days" insert ", or fifteen (15) business days if agreed upon by the applicant and the state department,".

Page 3, line 17, after "The" insert "state".

Page 3, line 20, after "days" insert ", or fifteen (15) business days if agreed upon by the applicant and the state department,".

Page 3, line 27, after "(B) the" insert "state".

Page 3, line 27, after "eleventh" insert "or sixteenth".

Page 3, line 29, after "by the" insert "state".

Page 3, line 29, after "department," insert "whichever is applicable,".

Page 3, line 31, after "to" insert "":

(1)".

Page 3, line 32, after "by the" insert "state".

Page 3, line 33, delete "." and insert "; and

(2) any revisions made to the plan that have not been reviewed, regardless of whether those revisions were requested under section 8(b)(2)(B) of this chapter or subsection (a)(2)."

Page 3, line 33, beginning with "All" begin a new line blocked left.

Page 3, line 34, delete "required by the" and insert "or revisions described in subdivision (1) or (2)."

Page 3, line 35, delete "department,".

Page 3, line 35, after "corrections" insert "or revisions".

Page 3, line 35, after "the" insert "state".

Page 3, line 39, after "The" insert "state".

Page 4, line 1, after "The" insert "state".

Page 4, line 1, after "may" insert ":

(1)".

Page 4, line 2, after "the" insert "state".

Page 4, line 3, delete "." and insert "; or

(2) refer the plan review to a local health department."

Page 4, line 5, after "the" insert "state".

Page 4, line 7, after "as the" insert "state".

Page 4, line 9, after "chapter, the" insert "state".

Page 4, line 15, delete "of health".

Page 4, line 16, delete "410 IAC 6-12-7" and insert **"410 IAC 6-9"**.

Page 4, line 42, delete "fee" and insert **"plan review for a design release performed:"**.

Page 5, delete line 1.

Page 5, delete lines 4 through 9, begin a new paragraph and insert:

"(b) This section does not apply to a plan review for the issuance of a building permit, an improvement permit, a fire protection system permit, or any other permit issued by a state agency or a political subdivision.

(c) A plan review for a design release must be:"

Page 5, delete lines 13 through 18, begin a new paragraph and insert:

"(d) If the commission has certified that a political subdivision is qualified to perform a plan review for a design release under IC 22-15-3, both of the following may perform the plan review for a design release:

(1) The division of fire and building safety.

(2) The political subdivision.

However, only the entity described in subdivision (1) or (2) that performs the initial plan review for a design release may charge a fee for the plan review for a design release. The other entity shall not charge a fee for the plan review for a design release."

Page 7, line 3, strike "state building commissioner" and insert **"commission"**.

Page 7, line 4, strike "competent;" and insert **"qualified to perform a plan review for a design release;"**.

Page 7, line 10, strike "competency" and insert **"qualifications"**.

Page 7, line 12, delete "shall" and insert **"may"**.

Page 7, line 15, delete "criteria." and insert **"criteria and the rules of the commission."**

Page 7, line 31, delete "department." and insert **"state department of health."**

Page 8, line 9, after "act" insert ",".

(Reference is to SB 324 as reprinted February 2, 2016.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

STEMLER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 325, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 325 as printed January 26, 2016.)

Committee Vote: Yeas 8, Nays 0.

FRIZZELL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 347, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 347 as printed January 26, 2016.)

Committee Vote: Yeas 11, Nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 352, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 12.

Page 4, delete lines 19 through 42.

Delete pages 5 through 6.

Page 7, delete lines 1 through 23.

Page 8, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 3. IC 3-11-2-10.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 10.1. (a) This section applies only to a public question concerning the retention in office of a judge of the Marion superior court under IC 33-33-49.

(b) The question of the retention of the judge at the general election shall be placed on the ballot at the same row or column level of the ballot where the question of other judges is placed on the ballot but in a column or row where independent candidates are placed on the ballot.

(c) If the question of the retention of more than one (1) judge is placed on a ballot, the judges shall be placed on the ballot in alphabetical order according to surname."

Page 9, delete lines 1 through 8.

Page 10, line 19, delete "an open judicial".

Page 10, line 20, delete "office,".

Page 10, line 20, delete "vacancy," and insert **"vacancy"**.

Page 11, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 7. IC 33-33-49-13.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13.1. (a) As used in this chapter, "committee" refers to the Marion County judicial selection committee established by subsection (b).

(b) The Marion County judicial selection committee is established to select nominees for the court.

(c) The committee consists of the following fourteen (14) members:

(1) Four (4) attorneys who reside in Marion County, appointed as follows:

(A) One (1) attorney appointed by the speaker of the house of representatives.

(B) One (1) attorney appointed by the minority leader of the house of representatives.

(C) One (1) attorney appointed by the president pro tempore of the senate.

(D) One (1) attorney appointed by the minority leader of the senate.

A person appointed under this subdivision may not be a member of the general assembly.

(2) The president of the Indianapolis bar association or the president's designee. If the president does not

reside in Marion County, the president must appoint a designee who resides in Marion County.

(3) The president of the Marion County bar association or the president's designee. If the president does not reside in Marion County, the president must appoint a designee who resides in Marion County.

(4) The president of the Indiana Trial Lawyers Association or the president's designee. If the president does not reside in Marion County, the president must appoint a designee who resides in Marion County.

(5) The president of the Defense Trial Counsel of Indiana or the president's designee. If the president does not reside in Marion County, the president must appoint a designee who resides in Marion County.

(6) Two (2) members appointed by the chairperson of each major political party (as defined by IC 3-5-2-30(2)) in Marion County. Each of the four (4) members appointed under this subdivision must reside in Marion County.

(7) The chief judge of the Indiana court of appeals or a designee of the chief judge who is a judge of the Indiana court of appeals. The chief judge or chief judge's designee serves as the vice-chairperson of the committee.

(8) The chief justice of Indiana or a designee of the chief justice who is a justice of the Indiana supreme court. The chief justice or chief justice's designee serves as the chairperson of the committee.

(d) Each member described in subsection (c)(1) through (c)(5) must be a member of the Indianapolis Bar Association or the Marion County Bar Association.

(e) If a member of the committee is employed by a law firm, no other person employed by the same law firm may be appointed to the committee.

(f) Each member of the committee who is not an ex officio member serves a four (4) year term, beginning on January 1, 2017, and ending on December 31, 2020. A member of the committee may be reappointed for one (1) or more additional four (4) year terms. If a member is appointed to fill a vacancy, the member serves during the unexpired term of his or her predecessor and may be reappointed for one (1) or more additional four (4) year terms. For purposes of this section, the designee of a person described in subsection (c)(2) through (c)(5) is not an ex officio member.

(g) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy.

(h) An ex officio member of the committee ceases to be a member of the committee at the time the person no longer holds the office that entitles the person to be a member of the committee. For purposes of this section, the designee of a person described in subsection (c)(2) through (c)(5) is not an ex officio member.

(i) A member of the committee described in subsection (c)(1) through (c)(6) who no longer resides in Marion County is considered to have resigned from the committee. A member of the committee who no longer resides in Marion County shall notify the chairperson in writing.

(j) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council.

(k) A quorum consists of nine (9) members of the committee.

(l) The affirmative votes of nine (9) members of the committee are required for the committee to take official action with respect to any candidate for judicial office.

(m) The committee shall appoint and nominate judicial candidates for the Marion superior court in accordance with section 13.3 of this chapter.

(n) The committee meets upon call of the chairperson.

(o) The committee shall meet in the statehouse, or in any other appropriate location in Marion County, as determined by the chairperson.

(p) Except as otherwise provided in subsection (q), or otherwise provided in this chapter, the committee may adopt its own policies and operating procedures. However, the commission shall meet in executive session under IC 5-14-1.5-6.1 for the consideration of a candidate for judicial appointment, and for consideration of a recommendation concerning retention (as defined in IC 33-33-49-13.7).

(q) The following requirements apply to committee meetings:

(1) Notice of executive session must be given in the manner prescribed by IC 5-14-1.5-5.

(2) All interviews of candidates must be conducted in executive session.

(3) The committee shall announce its nominations and recommendations concerning retention at a public meeting. However, the number of votes received by a candidate and the number of votes in favor of or opposed to a recommendation concerning retention are confidential.

(r) A former member of the committee may not be appointed or nominated as a judge of the Marion superior court if the person has served as a member of the committee within the previous two (2) years."

Page 11, line 12, delete "IC 33-33-49-13.1" and insert "IC 33-33-49-13.2".

Page 11, line 14, delete "Sec. 13.1." and insert "Sec. 13.2.".

Page 12, line 4, delete "Except as provided in section 13.4 of this chapter, the" and insert "The".

Page 12, line 22, delete "IC 33-33-49-13.2" and insert "IC 33-33-49-13.3".

Page 12, line 24, delete "Sec. 13.2." and insert "Sec. 13.3.".

Page 13, delete lines 13 through 21.

Page 13, line 22, delete "(e)" and insert "(c)".

Page 13, delete lines 30 through 42.

Page 14, delete lines 1 through 21.

Page 14, line 22, delete "of a judge placed on a general election ballot.", begin a new paragraph and insert:

"(d)".

Page 14, line 32, delete "section 13.1" and insert "section 13.2".

Page 14, line 37, delete "an open judicial" and insert "vacant".

Page 14, line 38, delete "seat".

Page 14, line 39, delete "open judicial seat" and insert "vacancy".

Page 14, line 39, delete "by appointment by the" and insert "in accordance with this chapter.".

Page 14, delete line 40.

Page 14, line 41, delete "IC 33-33-49-13.3" and insert "IC 33-33-49-13.4".

Page 15, line 1, delete "Sec. 13.3." and insert "Sec. 13.4.".

Page 15, line 1, delete "(a) The following".

Page 15, delete lines 2 through 15.

Page 15, line 16, delete "(b)" and insert "(a)".

Page 15, line 16, delete "an open judicial seat" and insert "a vacancy".

Page 15, line 17, delete "appoint a judge" and insert "nominate three (3) candidates to the governor".

Page 15, line 18, delete "open judicial seat" and insert "vacancy".

Page 15, line 18, delete "subsection (e)." and insert "this section.".

Page 15, delete lines 19 through 21.

Page 15, line 22, delete "(d)" and insert "(b)".

Page 15, line 22, delete "an appointment or" and insert "a".

Page 15, line 23, delete "under section 13.4" and insert **"a recommendation concerning retention under section 13.7"**.

Page 16, delete lines 12 through 29.

Page 16, line 30, delete "(f) This subsection applies only to a vacancy." and insert **"(c)"**.

Page 16, line 42, delete "two (2)" and insert **"three (3)"**.

Page 17, line 2, delete "The".

Page 17, delete lines 3 through 7.

Page 17, line 8, delete "(g)" and insert **"(d)"**.

Page 17, line 11, delete "A nominee appointed under this", begin a new paragraph and insert:

"(e) In no event may more than fifty-two percent (52%) of the judges serving on the Marion superior court be members of the same political party."

Page 17, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 11. IC 33-33-49-13.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13.7. (a) This section applies to each sitting judge who will stand for retention under section 13.3 of this chapter, including a person who served as a judge of the Marion superior court on December 31, 2016.

(b) The following definitions apply throughout this section:

(1) "News media" includes:

(A) a newspaper of general circulation in Marion County;

(B) one (1) or more broadcasters serving Marion County;

(C) any person who uses a blog or similar Internet web site to provide information or commentary concerning the judiciary or political matters of interest to residents of Marion County; and

(D) any other appropriate source of news or information for Marion County residents.

(2) "Recommendation concerning retention" means a recommendation from the committee that a judge:

(A) should be retained in office; or

(B) should not be retained in office;

based on the qualifications and performance of the judge.

(3) "Voter outreach organization" includes any organization that has the goal of informing voters in Marion County about issues and candidates in upcoming elections.

(c) Before a judge may stand for retention under section 13.3 of this chapter, the judge must appear before the committee to permit the committee to issue a recommendation to the voters concerning the judge's qualifications and suitability to continue to hold judicial office.

(d) At the time a judge files a statement under section 13.3 of this chapter that the judge wishes to be retained in office, the judge shall:

(1) notify the committee that the judge wishes to be retained in office; and

(2) provide the committee with a written statement describing the judge's qualifications, with particular emphasis on the matters described in section 13.4(b) of this chapter.

(e) After receiving the materials described in subsection (d), the committee shall promptly schedule a hearing to consider the materials submitted by the judge and interview the judge. Each judge is entitled to a hearing before the committee. The hearings shall be held in executive session.

(f) A judge is presumed qualified. The affirmative votes of at least nine (9) committee members are required to find that a judge is not qualified.

(g) If the committee finds that a judge is not qualified, the

committee shall do the following:

(1) Through the chairperson, place on the web sites of the Indiana supreme court and the Indiana court of appeals, the following statement: "After considering the qualifications of Judge (insert name here) and Judge (insert name here)'s performance in office, the Marion County Judicial Selection Committee finds that Judge (insert name here) IS NOT qualified and SHOULD NOT BE retained in office."

(2) Issue the following statements to news media and voter outreach organizations: "After considering the qualifications of Judge (insert name here) and Judge (insert name here)'s performance in office, the Marion County Judicial Selection Committee finds that Judge (insert name here) IS NOT qualified and SHOULD NOT BE retained in office."

(3) Take any other steps reasonably calculated to inform the general public in Marion County of the committee's determination.

(h) If the committee does not find that a judge is unqualified, the committee shall do the following:

(1) Through the chairperson, place on the web sites of the Indiana supreme court and the Indiana court of appeals, the following statement: "After considering the qualifications of Judge (insert name here) and Judge (insert name here)'s performance in office, the Marion County Judicial Selection Committee finds that Judge (insert name here) IS qualified and SHOULD BE retained in office."

(2) Issue the following statements to news media and voter outreach organizations: "After considering the qualifications of Judge (insert name here) and Judge (insert name here)'s performance in office, the Marion County Judicial Selection Committee finds that Judge (insert name here) IS qualified and SHOULD BE retained in office."

(3) Take any other steps reasonably calculated to inform the general public in Marion County of the committee's determination.

(I) Subject to section 13.1 of this chapter, the committee may adopt policies and operating procedures to implement this section."

Delete page 18.

Renumber all SECTIONS consecutively.

(Reference is to SB 352 as printed January 29, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

WASHBURN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred Senate Bill 372, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 15, strike "section 201 of".

Page 6, line 20, strike "section 201 of".

(Reference is to SB 372 as printed January 27, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BURTON, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and

ordered engrossed: Engrossed Senate Bills 1, 91, 145, 148, 154, 186, 219, 251, 271, 272, 315, 336 and 371.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 12 40 p.m. with the Speaker in the Chair.

Representatives Culver, Dvorak, Lehman, Leonard and Schaibley, who had been excused, are now present. Representatives Errington, Mahan and Soliday are excused.

RESOLUTIONS ON FIRST READING

House Resolution 29

Representative Leonard introduced House Resolution 29:

A HOUSE RESOLUTION honoring Dr. Adam Drummond.

Whereas, Dr. Adam Drummond was named District 3 Indiana Elementary Principal of the Year by the Indiana Association of School Principals;

Whereas, District 3 represents Northeastern Indiana including LaGrange, Steuben, Noble, DeKalb, Whitley, Allen, Wabash, Huntington, Wells, and Adams counties;

Whereas, Dr. Drummond is currently the principal of Lincoln Elementary School in Huntington;

Whereas, Before becoming principal at Lincoln Elementary, Dr. Drummond was an adjunct professor at Huntington University; an educational consultant; an assistant principal at Lincoln Elementary School; an elementary and secondary professional development coordinator; an adjunct instructor at Taylor University, Fort Wayne; a technology integration specialist; and a classroom teacher;

Whereas, Dr. Drummond has numerous certifications and professional involvements, including Certified Boys!, the National Association of Elementary School Principals' Principal magazine, NAESP Mentor Program, is working toward becoming a certified rater with National Board for Professional Teacher Standards for principal certification, is a certified mentor training for the National Association of Elementary School Principals, certified trainer with Time to Teach!, certified in HumaneX Training for hiring practices, certified trainer of Ruby Payne Poverty Training, certified trainer of the Highly Effective Teaching Model for leadership, and an active participant in RTI Action Network;

Whereas, Active in his community, Dr. Drummond's activities and awards include Huntington County United Way campaign chair, Fort Wayne Business Weekly's "Forty under 40" recipient, Ball State University Teacher College Outstanding Alumni Award in 2012 and Ball State University Graduate of the Last Decade Gold Award in 2010, and he serves as the National Association of Elementary School Principals' Principal magazine editorial advisor;

Whereas, Dr. Drummond also serves on the Boys & Girls Club board of directors, is a Huntington and Wabash counties March of Dimes ambassador, is a member of the Ball State University alumni council, and is active with Huntington County Baseball and LaFontaine Arts Council; and

Whereas, Dr. Drummond has a doctorate in educational administration, an Ed.S. specialist in education, master of arts with a major in student affairs administration in higher education, and a bachelor of science with a major in elementary education with concentration in mathematics

education from Ball State University;

Whereas, Dr. Adam Drummond has provided valuable guidance and leadership to the students and faculty at Lincoln Elementary School: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Dr. Adam Drummond on his selection as District 3 Indiana Elementary Principal of the Year by the Indiana Association of School Principals. Dr. Drummond is a dedicated administrator who works alongside his students and parents to achieve their goals.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dr. Adam Drummond.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 165, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 165 as printed January 15, 2016.)

Committee Vote: Yeas 8, Nays 4.

KIRCHHOFFER, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 20

Representative Harman called down Engrossed Senate Bill 20 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 20-1)

Mr. Speaker: I move that Engrossed Bill 20 be amended to read as follows:

Page 3, line 27, after "Sec. 3." insert "(a)".

Page 3, between lines 36 and 37, begin a new paragraph and insert:

"(b) Notwithstanding subsection (a), a unit shall prohibit practices by an employer that offer:

- (1) a benefit;**
- (2) a term of employment;**
- (3) a working condition; or**
- (4) an attendance, scheduling, or leave policy;**

that discriminates against an employee based on the employee's race, religion, color, sex, disability, national origin, sexual orientation, gender identity, or veteran status.

(c) It is a discriminatory practice for an employer to offer:

- (1) a benefit;**
- (2) a term of employment;**
- (3) a working condition; or**
- (4) an attendance, scheduling, or leave policy;**

that discriminates against an employee based on the employee's race, religion, color, sex, disability, national origin, sexual orientation, gender identity, or veteran status."

(Reference is to ESB 20 as printed February 16, 2016.)

PELATH

Upon request of Representatives Pelath and Lawson, the

Speaker ordered the roll of the House to be called. Roll Call 194: yeas 35, nays 59. Motion failed.

HOUSE MOTION
(Amendment 20-4)

Mr. Speaker: I move that Engrossed Senate Bill 20 be amended to read as follows:

Page 3, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 3. IC 22-4-17-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 3.2. (a) As used in this section, "attorney" refers to one (1) of the following:**

- (1) An attorney in good standing admitted to the practice of law in Indiana.
- (2) An attorney in good standing admitted to the practice of law in another state who has been granted temporary admission to the state bar under Rule 3 of the Rules for Admission to the Bar and the Discipline of Attorneys adopted by the supreme court.

(b) An employer or an employing unit having an interest in a claim for benefits pending before an administrative law judge, the review board, or other individuals who adjudicate claims may be represented by:

- (1) an officer or other employee of the employer or employing unit as designated by the employer or the employing unit;
- (2) an attorney;
- (3) an accountant certified by and in good standing with the state; or
- (4) a representative of an unemployment compensation service firm.

(c) A claimant for benefits may be represented by:

- (1) the claimant in person;
- (2) an attorney;
- (3) an accountant certified by and in good standing with the state; or
- (4) an authorized agent of a bona fide labor organization to which the claimant belonged at the time the pending claim occurred.

(d) In addition to the persons listed in subsection (c), a claimant for benefits may designate a lay person of the claimant's choice to assist the claimant in the presentation of the claimant's case to the administrative law judge, the review board, or another individual who adjudicates claims.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) Before December 1, 2016, the department of workforce development shall amend 646 ICA 5-10-18 to make the rule comply with IC 22-4-17-3.2, as added by this act.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under subsection (a).
- (2) December 31, 2016."

Page 4, after line 11, begin a new paragraph and insert:

"SECTION 6. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 20 as printed February 16, 2016.)

AUSTIN

Motion prevailed.

HOUSE MOTION
(Amendment 20-3)

Mr. Speaker: I move that Engrossed Senate Bill 20 be amended to read as follows:

Page 3, delete lines 25 through 36.

Renumber all SECTIONS consecutively.

(Reference is to ESB 20 as printed February 16, 2016.)

DELANEY

Upon request of Representatives Pelath and DeLaney, the Speaker ordered the roll of the House to be called. Roll Call 195: yeas 28, nays 65. Motion failed.

Representative Mahan, who had been excused, is now present.

HOUSE MOTION
(Amendment 20-2)

Mr. Speaker: I move that Engrossed Senate Bill 20 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

(Reference is to ESB 20 as printed February 16, 2016.)

DELANEY

Upon request of Representatives Pelath and DeLaney, the Speaker ordered the roll of the House to be called. Roll Call 196: yeas 28, nays 66. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 327

Representative Price called down Engrossed Senate Bill 327 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 364

Representative Bacon called down Engrossed Senate Bill 364 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 364-1)

Mr. Speaker: I move that Engrossed Senate Bill 364 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Page 1, between lines 15 and 16, begin a new paragraph and insert:

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "state department" refers to the state department of health established by IC 16-19-1-1.

(b) As used in this SECTION, "survey" refers to a survey conducted by the state department on any of the following health providers:

- (1) A hospice program licensed under IC 16-25-3.
- (2) A home health agency licensed under IC 16-27-1.
- (3) A personal services agency licensed under IC 16-27-4.

(c) The state department shall establish a work group to discuss and establish policies and procedures for allowing a provider that is the subject of a survey described in subsection (b) to review, discuss, and mediate the results of a survey before the survey is finalized.

(d) The work group must consist of at least the following:

- (1) A state department employee who administers and oversees the licensure and surveying of home health agencies and hospice agencies.
- (2) One (1) individual recommended by the Indiana Association for Home and Hospice Care or a similar statewide association that represents the interests of home health and hospice care providers.
- (3) At least one (1) individual representing a home health agency licensed under IC 16-27-1 that provides or offers to provide home health services for compensation.
- (4) At least one (1) individual representing a personal services agency licensed under IC 16-27-4 that provides or offers to provide a personal service for compensation.
- (5) At least one (1) individual representing a hospice program licensed under IC 16-25-3.

(e) The state department shall staff the work group.

(f) Before December 1, 2016, the state department shall submit a written report of the work group's findings and

any statutory recommendations to the legislative council in an electronic format under IC 5-14-6.

(g) This SECTION expires December 31, 2016."

Renumber all SECTIONS consecutively.

(Reference is to ESB 364 as printed February 16, 2016.)

BACON

Motion prevailed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 11 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 22, 2016, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representatives Zent and Fine be added as cosponsors of Engrossed Senate Bill 3.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Zent and Fine be added as cosponsors of Engrossed Senate Bill 9.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Schaibley, Koch, Bacon, Klinker and Summers be added as cosponsors of Engrossed Senate Bill 11.

CLERE

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stemler be added as cosponsor of Engrossed Senate Bill 21.

PRICE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Niezgodski be added as cosponsor of Engrossed Senate Bill 26.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Zent be added as cosponsor of Engrossed Senate Bill 81.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Goodin and

Niezgodski be added as cosponsors of Engrossed Senate Bill 109.

EBERHART

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as cosponsor of Engrossed Senate Bill 145.

COX

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as cosponsor of Engrossed Senate Bill 192.

DEVON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as cosponsor of Engrossed Senate Bill 214.

KIRCHHOFFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hale be added as cosponsor of Engrossed Senate Bill 257.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Rhoads be added as cosponsor of Engrossed Senate Bill 313.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as cosponsor of Engrossed Senate Bill 325.

TRUITT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Brown be added as cosponsor of Engrossed Senate Bill 334.

DEVON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pryor be added as cosponsor of Engrossed Senate Bill 355.

SLAGER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Errington be added as coauthor of House Concurrent Resolution 43.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bartlett, Richardson and Pierce be added as cosponsors of Senate

Concurrent Resolution 40.

BEHNING

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bill 1035 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1032 and 1047 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative DeLaney, the House adjourned at 1:30 p.m., this eighteenth day of February, 2016, until Monday, February 22, 2016, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives